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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,285	12/13/2001	Kevin Michael Wueste	MSFT-0673/174290.01	7591

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,285	Applicant(s) WUESTE, KEVIN MICHAEL	
	Examiner Jude J. Jean-Gilles	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

JG

DETAILED ACTION

This Action is in regards to the Reply received on 12/05/2005.

Response to Amendment

1. This action is responsive to the application filed on 12/05/2005.
Claims 1, 2, 5-7, 10-12, 14, 17-19 and 22 have been amended. No new claims are added. Claims 1-23 are pending. Claims 1-23 represent a method and system for a "concentric user-targeting delivery."

Response to Arguments

2. Applicant's arguments with respect to claims 1-23 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method wherein matching at least one preference with content or said participating user with varying degrees of certainty) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 5, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney et al. (Bunney), U.S. Patent No. 6,697,792 B2, in view of Liu et al (Liu), Patent No. 6,839,680 B1.

Regarding **claim 1**, Bunney discloses the invention substantially as claimed. Although Bunney teaches a system to generate and deliver concentric user-targeted content comprising:

one or more data stores having data representative of participating user profile information and/or data representative of participating user content usage information (column 1, lines 10-40; column 6, lines 27-47);

a content data store, said content data store having various content for display to participating users (column 1, lines 10-40; column 6, lines 27-47); and

at least one instruction set cooperating with said first, second, and content data stores wherein said at least one instruction set operates on data from said first and second data stores to generate at least one preference for said participating user (column 1, lines 10-40; column 6, lines 27-47); however, Bunney does not disclose the details of a step "wherein said at least one instruction set further operates on said generated preference to obtain a range of concentric content from said content data store such

that said range of content is correlated in varying degrees to said generated at least one preference for said participating user” .

In the same field of endeavor, Liu discloses “ProReach client 108 users agree to use ProReach client software based on “informed consent.” ProReach system provides an explicit privacy statement to potential users before they become ProReach client software users, so that users will know that their activity is being tracked and recorded. The ProReach client software contains a user-modifiable control mechanism and a default control mechanism. The default control mechanism addresses the control of common privacy related issues that can be applied to all users. These mechanisms allow the user to filter web activity data from being recorded according to user preference...”[see Liu; column 6 3, lines 43-54].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liu's teachings of a method and apparatus for a obtain content information form preference data with the teachings of Bunney, for the purpose of providing a method for distributing information from at least one content source to at least one client by means of a network and a server...” as stated by Bunney in lines 3-8 of column 1. By this rationale **claim 1** is rejected.

Regarding **claim 2**, the combination Bunney-Liu discloses the system as recited in claim 1, wherein said profile information is input by said participating user for storage on said one or more data stores (see Liu; column 49, lines 6-49; column 1, lines 10-40; column 6, lines 27-47).

Regarding **claim 3**, The combination Bunney-Liu discloses the system as recited in claim 2, wherein said profile information comprises demographic and/or preference information for said participating user (see Liu; column 45, lines 37-64; column 1, lines 10-40; column 6, lines 27-47).

Regarding **claim 4**, The combination Bunney-Liu discloses the system as recited in claim 1, wherein said usage information comprises current and historical usage information (see Liu; column 51, lines 4-38).

Regarding **claim 5**, The combination Bunney-Liu discloses the system as recited in claim 1, wherein said at least one instruction set implements at least one matching algorithm, said at least one matching algorithm accepting as input said data from said one or more data stores and generating said at least one preference (see Liu; column 45, lines 37-64).

Regarding **claim 6**, The combination Bunney-Liu discloses the system as recited in claim 5, wherein said instruction set implements a matching algorithm, accepting said at least one preference and said content from said content data store as input to generate said range of concentric content (see Liu; column 45, lines 37-64).

Regarding **claim 7**, The combination Bunney-Liu discloses the system as recited in claim 1, wherein said range of concentric content comprises at least two of differing content offerings (see Liu; column 18, lines 1-34).

Regarding **claim 8**, The combination Bunney-Liu discloses the system as recited in claim 7, wherein said differing content offerings differ from each other on a graduated basis (column 18, lines 16-49).

Regarding **claim 9**, The combination Bunney-Liu discloses the system as recited in claim 7, wherein said varying degrees are based on said content usage information (see Liu; column 18, lines 16-49).

Regarding **claim 10**, The combination Bunney-Liu discloses the system as recited in claim 1, wherein said range of concentric content comprises three differing concentric content offerings, said differing concentric content offerings differing from each other on a graduated basis (column 18, lines 16-49).

Regarding **claim 11**, The combination Bunney-Liu discloses the system as recited in claim 1, wherein said first, second, and content data stores operate in a computing environment (see Liu; column 29, lines 1-67).

Regarding **claim 12**, The combination Bunney-Liu discloses the system as recited in claim 11, wherein at least one said instruction set comprises a computing application (see Liu; column 29, lines 1-67).

Regarding **claim 13**, The combination Bunney-Liu discloses the system as recited in claim 12, wherein said range of concentric content is delivered to participating users over a communications network (see Liu; column 64, lines 4-67; column 51, lines 4-38).

Regarding **claim 14**, The combination Bunney-Liu discloses the system as recited in claim 13, wherein said communications network comprises any of a wireless LAN, a fixed wire LAN, a wireless WAN, a fixed wire WAN, a wireless intranet, a fixed wire intranet, a wireless extranet, a fixed wire extranet, a wireless peer-to-peer

communications network, a fixed wire peer-to-peer communications network, and the Internet (see Liu; fig. 4, item 100; fig. 5).

Regarding **claim 15**, The combination Bunney-Liu discloses the system as recited in claim 13, wherein said range of concentric content is displayable in electronic display panes (see Liu; column 62, lines 16-60).

Regarding **claim 16**, The combination Bunney-Liu discloses the system as recited in claim 15, wherein said electronic display panes are part of a content browser computing application (see Liu; column 62, lines 16-60).

Regarding **claim 17**, The combination Bunney-Liu discloses a computer implemented method to generate concentric user-targeted content for a participating user, comprising the steps of:

receiving user data from one or more data stores having data indicative of participating user profile information and/or data indicative of participating user content usage information (see Bunney; column 1, lines 10-40; column 6, lines 27-47);

receiving content from at least one content data store (see Bunney; column 1, lines 10-40; column 6, lines 27-47);

generating at least one preference for said participating user based on said user data (see Bunney; column 1, lines 10-40; column 6, lines 27-47); and

matching said at least one preference with said content from data store to generate said range of concentric user-targeted content that is matched to said generated at least one preference for said participating user with varying degrees of

certainty(see Liu; column 64, lines 3-67; column 51, lines 4-38; see Bunney, column 2, 43-60).

Regarding **claim 18**, The combination Bunney-Liu discloses the method as recited in claim 17 further comprising the step of: distributing said range of concentric user-targeted content to said participating users over a cooperating communications network (see Liu; column 64, lines 4-67; column 51, lines 4-38).

Regarding **claim 19**, The combination Bunney-Liu discloses the method as recited in claim 17, wherein said matching step comprises the step of: applying at least one matching algorithm to said at least one preference and said content (see Liu; column 45, lines 37-64).

Regarding **claim 20**, The combination Bunney-Liu discloses the method as recited in claim 17, further comprising the step of: communicating with at least one content partner to obtain additional content for use when generating said range of concentric content (see Liu; column 64, lines 55-67; column 65; lines 1-15).

Regarding **claim 21**, The combination Bunney-Liu discloses a computer readable medium having computer readable instructions to perform the method as recited in claim 17 (see Liu; fig. 6, items 100, 108, and 112).

Regarding **claim 22**, The combination Bunney-Liu discloses a method to generate and deliver concentric user-targeted content comprising the acts of:

providing one or more data stores having data indicative of participating user profile information and/or data indicative of participating user content usage information (see Bunney; column 1, lines 10-40; column 6, lines 27-47);

providing a content data store, said content data store having content from at least one content service provider (see Bunney; column 1, lines 10-40; column 6, lines 27-47);and

providing a computing application, said computing application cooperating with said, one or more data stores and content data to generate preferences from said profile information and said content usage information (see Bunney; column 1, lines 10-40; column 6, lines 27-47); wherein said computing application processes said preferences along with said content to determine a range of concentric user-targeted content, said range of concentric user-targeted content including content levels differing on a graduated basis (see Liu; column 64, lines 55-67; column 65; lines 1-15); and

delivering said generated range of concentric user-targeted content to a participating user over a communications network, said communications network cooperating with said computing application (see Liu; column 64, lines 3-67; column 51, lines 4-38).

Regarding **claim 23**, The combination Bunney-Liu discloses the method as recited in claim 22, wherein said providing said content data store step further comprises cooperating with at least one content partner to obtain said content (see Liu; column 64, lines 4-67; column 51, lines 4-38).

Response to Arguments

5. Applicant's Request for Reconsideration filed on 12/05/2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. Applicant contends The Liu patent does not teach content data store having various content for display to participating user.

B. The Liu patent does not teach or suggest "at least one instruction set cooperating with one or more data stores and content data store.

C. The Liu patent does not teach matching said at least one preference with said content from data store to generate said range of concentric user-targeted content that is matched to said generated at least one preference for said participating user with varying degrees of certainty.

6. As to "Point A" it is the position of the Examiner that Bunney and Liu, in detail teaches the limitations of the above mentioned claims (see Bunney; column 1, lines 10-40; column 6, lines 27-47).

As to "Point B", it is also the Examiner's position that Liu teaches this limitation as expressed in the rejection of claim 1 above.

As to "Point C", see rejection of claim 17 above; and also see ; see Bunney, column 2, 43-60.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

February 17, 2006



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